

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 8/28/05.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be reviewed on the Court's Electronic Case File System using a PACER login and password at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) or at any of the three divisions of the Court during posted business hours. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations.**

Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Jose L. Espinal  
aka Jose L. Espinal Frias  
1254 Sherman Avenue  
Apartment 3-D  
Bronx, NY 10456

Case Number:  
05-17058-pcb

Social Security/Taxpayer ID Nos.:  
xxx-xx-0115

Attorney for Debtor(s) (name and address):

Lance Roger Spodek  
Lance Roger Spodek, P.C.  
277 Broadway  
Suite 1200  
New York, NY 10007-2072  
Telephone number: 212-349-6505

Bankruptcy Trustee (name and address):

Gregory M. Messer  
Law Offices of GregoryMesser, PLLC  
395 Pearl Street  
2nd Floor  
Brooklyn, NY 11201  
Telephone number: (718) 858-1474

**Meeting of Creditors:**

Date: **October 7, 2005**

Time: **02:30 PM**

Location: **Office of the United States Trustee, 80 Broad Street, Second Floor, New York, NY 10004-1408**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 12/6/05**

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Address of the Bankruptcy Clerk's Office:**

One Bowling Green  
New York, NY 10004-1408  
Telephone number: 212-668-2870

**For the Court:**

Clerk of the Bankruptcy Court:  
Kathleen Farrell-Willoughby

Hours Open: Monday – Friday 9:00 AM – 5:00 PM

Date: 9/1/05

**DEBTORS: BRING THIS NOTICE TO YOUR FIRST MEETING OF CREDITORS TO BE HELD PURSUANT TO SECTION 341(a) OF THE BANKRUPTCY CODE, TOGETHER WITH ANY OTHER DOCUMENTS REQUESTED BY THE TRUSTEE.**

## EXPLANATIONS

FORM B9A (9/97)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed on the Court's electronic Case File System using an Attorney's login and password issued by the Court or on a diskette in PDF format. If you are unable to file electronically or to submit a copy of your filing on diskette, you may file conventionally provided that you submit with your filing an affidavit of your inability to comply.
Legal Advice	The staff of the bankruptcy clerk's office and the office of the U.S. Trustee cannot give legal advice. You may want to consult an attorney to protect your rights.
— Refer to Other Side for Important Deadlines and Notices —	

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**NOTICE OF ELECTRONIC FILING PROCEDURE**

A bankruptcy case has been filed with respect to the debtor listed on the first page of the attached notice which provides you with basic information about the case. You may also receive additional information about the case, including information with respect to the filing of proofs of claim by creditors.\* If you are a creditor or other party in interest in this matter and represented by an attorney, please forward this "Notice of Electronic Filing Procedure" to your attorney. The purpose of this notice is to provide information about this Court's electronic filing procedures.

This case and any related case(s) will be docketed exclusively on the Court's Electronic Case File System. The System can be accessed via the Internet using a login and password obtained from the PACER Service Center at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). To file documents, an attorney login and password obtained from the Court are needed. In compliance with Federal Rule of Civil Procedure 11 and in accordance with Local Bankruptcy Rule 9011-1, the attorney's password constitutes the signature of the attorney; therefore, security of a password issued to an attorney is the responsibility of that attorney. An original, signed version of the filing shall be maintained in the attorney's files. A chamber's copy of all filed documents is required and all parties with legal representation must file documents in accordance with the following:

1. The requirements for filing, viewing and retrieving case documents are: A personal computer running any standard Windows platform, an Internet provider, Netscape Navigator and Adobe Exchange software to convert documents from a word processor format to a portable document format (PDF). The URL address is [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) and a password is needed to access this system. If you are unable to comply with this requirement, then
2. You must submit your documents on a diskette using PDF format. The Adobe software will provide this format. Further instruction may be found in the Adobe manual. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of document, and the file name on the outside of the envelope. If you are unable to comply with this requirement or requirement number 1, then
3. You must submit your documents on a diskette using one of the following formats: Word, WordPerfect, or DOS text (ASCII). If you are unable to comply with this requirement or requirements number 1 or 2, then
4. You must submit an affidavit of your inability to file in either of the above formats. You may then file conventionally on unstapled, unbound, single-sided paper. Include your affidavit with your filing.

**\* IF A DEADLINE FOR FILING A PROOF OF CLAIM IS ESTABLISHED, CREDITORS AND PARTIES IN INTEREST WILL BE NOTIFIED. PROOFS OF CLAIM CANNOT BE FILED ELECTRONICALLY. A HARD COPY (PREFERABLY ACCOMPANIED BY A DISKETTE) MUST BE FILED WITH THIS COURT.**

For technical or procedural assistance please call (212) 668-2870 ext. 3920. To schedule training call ext. 3580, Monday-Friday, 8:30 a.m. – 5:00 p.m. A tutorial on the Electronic Case File System can be found on the Court's website, [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov).

Dated: 9/1/05

Kathleen Farrell-Willoughby  
Clerk of the Court